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| 10/092,323 | 03/06/2002 | Steven M. Zink | 02SW049 | 9035 |

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| EXAMINER |
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TRUONG, LAN DAI T

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| ART UNIT | PAPER NUMBER |
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2132

DATE MAILED: 07/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/092,323

Applicant(s)

DAVID A. JOHNSON

Examiner

lan dai thi trung

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01/25/05, 12/10/04.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

Claim rejections-35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

1) Claims 1-35 and 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Luzeski et al. (U.S. 6,404,762), “Luzeski”, herein after.

Regarding to claim 1, which exemplary of claim 20:

Luzeski discloses the invention substantially as claimed, including a system, which can be implemented in a computer hardware or software code for industrial controller comprising:

An aggregating component associated with an industrial controller, the aggregation component adapted to aggregate one or more selected data items into an aggregated subset of data items, the aggregation component defined and installed by an entity remote from the controller; A communications component adapted to transmit the subset of data items via a singular communications packet across a network: (Luzeski discloses a “Content Manager Application” which is equivalent to “aggregating component” used to fill various kinds of multimedia information into single container base on client’s requests, and then transport it to the client: column 5, lines 40-45; column 6, lines 14-33)

Regarding to claims 2 and 5:

Luzeski discloses a method as discuss in claim 1 which further includes a client application adapted to select and request the subset of data items from the controller (Luzeski discloses a custom client as “Web-base” which is equivalent to “client application” is use to request information from web server, manage and display “multimedia containers” which is equivalent to “subset of data” received from web server: column 5, lines 39-67; column 6, lines 10-34)

Regarding to claim 3:

Luzeski discloses a method as discuss in claim 2 which further includes the client application is at least one of a data logging application and Human and Machine Interface (HMI) that interacts with the industrial controller (Luzeski discloses the “Web-base client” which is equivalent to “Human and Machine Interface (HMI)” wherein a user can log in by providing her/his user code and password: column 6, lines 34-67)

Regarding to claim 4:

Luzeski discloses a method as discuss in claim 2 which further includes a communications server adapted to interact with the client application, the network and the industrial controller, the industrial controller including a communications driver to interface with the communications server and the network (Luzeski discloses Universal Messaging services wherein subscribers can access their message containers by using the Internet. The Content Manager Application fills various kinds of multimedia information into a signal container based on client’s requests. Within in Universal Messaging platform, the multimedia containers are addressed, stored then deliver to client: column 5, lines 39-67; column 6, lines 1-67).

Regarding to claims 6, 7 and 16:

Luzeski discloses a method as discuss in claims 5 and 15, which further includes the industrial controller sending a response to the request including at least one of tag and value information associated with the tag, the tag and value information relating to the subset of data items (Luzeski discloses the Session Manager request client sends “headers” those are equivalent to “Tags” used to search client’s requests. Then the clients will get the responses comprising information and headers: column 8, lines 9-25; column 10, lines 50-67).

Regarding to claim 8, which is exemplary of claim 9:

Luzeski discloses a method as discuss in claim 1 which further includes adding one or more other aggregation components based upon at least one of increased data demands and network protocol considerations (Luzeski discloses Session Manger is used to establish session between web server and client servers wherein the “Content Manager” which equivalent to “aggregating components” running on one or more internet servers and interact web server to integrate requested information into a single container based on client’s selection. So if there are more requests from clients to server, number of “Content Manager” must be increased: column 8, lines 1-6; column 6, lines 55-67).

Regarding to claim 10:

Luzeski discloses a method as discuss in claim 1 which further includes at least one of dynamically increasing and decreasing the amount of selected data items in the aggregating component based upon data demands received from the network (Luzeski discloses the subscribers can receive an complex messages comprises email message and void/fax messages.

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Otherwise subscribers can request to read an email or listen to a voice mail independently:
column 3, lines 47-67).

Regarding to claim 11, which is exemplary of claim 12:

Luzeski discloses a method as discuss in claim 1 which further includes the aggregating component is an object including at least one of class attributes, instance attributes, services and data buffer (Luzeski discloses “Content Manager” which equivalent to “aggregating components” running on one or more internet servers for integrate information such email, fax and void mail into a data container: column 3, lines 47-67).

Regarding to claims 13:

Luzeski discloses a method as discuss in claim 11 which further includes the instance attribute include setting for at least one of object update times, event triggers, whether to update the object based on rate, demand and other criteria, wherein a data stream triggers are located, whether to continue on an over flow, number of driers currently installed, timestamp information, size of buffers, start times, and object lifetime settings (Luzeski discloses Session Manger is used to establish session between web server and client servers wherein the “Content Manager” which equivalent to “aggregating components” running on one or more internet servers and interact web server to integrate requested information into a single container based on client’s selection. So if there are more requests from clients to server, number of “Content Manager” must be increased: column 8, lines 1-6; column 6, lines 55-67).

Regarding to claim 14:

Luzeski discloses a method as discuss in claim 11 which further includes the services include at least one of Get All Attributes, Get All List, Set Attributes List, Reset, Start, Stop, Create Object, and Delete Object (Luzeski disclose method of using “Content Manager Application” which is equivalent to “object” to fill request information from client into a single container for delivery: column 3, lines 47-67).

Regarding to claim 15, which is exemplary of claim 17:

Luzeski discloses a method as discuss in claim 11 which further includes the data buffer including at least one of 1-L data items L being an integer, and includes at least one of the following types: single valued elements, bits, byte, 16 bit, greater than 32 bit configurations, unsigned integers, signed integers, floating point elements, single dimension array, multiple dimension array configurations, and user defined tags (UDT) and the dingle dimension arrays include at least one of an array element ID, a value, a begin array element ID and a length (Luzeski discloses “the email messages, voice message and fax messages” which are equivalent to “data items” are stored in separate storages. Although Luzeski does not explicitly disclose there are 1-L data items in database wherein L being an integer; however this feature is deemed to be inherent to the Luzeski’s system, see (Luzeski: column 18, lines 40-62).

Regarding to claims 18 and 19:

Luzeski discloses a method as discuss in claim 1 which further includes further comprising removing the aggregation component base upon at least one of a loss of communications and a connection timeout (Luzeski teaches method of using time out function of the Session Manager: column 7, lines 39-42).

Regarding to claims 21 and 31-33, which is exemplary of claim 24:

Luzeski discloses the invention substantially as claimed, including a method, which can be implemented in a computer hardware or software code for industrial controller comprising: building an object from the tag information provided by the controller installing the object on the controller; receiving data from the object that has been updated by the controller (Luzeski discloses a “Content Manager Application” which is equivalent to “object” used to fill various kinds of multimedia information those are selected by clients into single container, then transmit the container to the client : column 5, lines 40-45; column 6, lines 14-33)

Regarding to claim 22:

Luzeski discloses a method as discuss in claim 21 which further includes interacting with the controller over a network connection (Luzeski discloses a subscriber can access messages from a personal computer via the Internet: column 3, lines 54-60)

Regarding to claim 23:

Luzeski discloses a method as discuss in claim 21 which further includes adding data items of interest to the object, the data arrange according to at least on of contiguous and non-contiguous address memory locations (Luzeski discloses Universal Messaging platform capabilities to “address” which is shared functionality with “the data arrange according to at least on of contiguous and non-contiguous address memory locations”, store and deliver the multimedia containers to the client: column 6, lines 15-20).

Regarding to claim 25, which is exemplary of claim 26:

Luzeski discloses a method as discuss in claim 21 which further includes removing the object from the controller when a client no longer requests data items of interest; removing the object based upon at least one of an event and network connections being disrupted for a time

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period that is greater than a predetermined amount of time that is configured at the controller
(Luzeski discloses the message data will be lost if session is terminated: column 7, lines 10-15)

Regarding to claim 27, which is exemplary of claim 28:

Luzeski discloses a method as discuss in claim 21 which further includes placing data items of interest in a scanning list; the list indicates which data items are to be periodically update for a client application. (Luzeski discloses the client provides a header list of required information from web server, those are used as a tip to find the information in from the web server: column 8, lines 8-25)

Regarding to claim 29, which is exemplary of claim 30:

Luzeski discloses a method as discuss in claim 21 which further includes receiving handle information relating to one or more data items of interest from the controller, employing the handle information to update memory locations on the controller (Luzeski discloses the multimedia container is created based on requested information which are sent form client: column 6, lines 15-20)

Regarding to claim 34, which is exemplary of claim 35:

Luzeski discloses a method as discuss in claim 33 which further includes the first component is a processor adapted to provide access to a variable memory associated with the controller, the variable memory storing one or more selected data items (Luzeski discloses Universal Messaging platform capabilities to “address” which is shared and store and deliver the multimedia containers to client: column 6, lines 15-20).

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2) Claim 36 is rejected under 35 U.S.C 103(a) as being un-patentable over Luzeski in view of Smith-Semedo et al. (U.S. 6,877,010)

Regarding to claim 36:

Luzeski discloses the invention substantially as disclosed in claim 33, but does not explicitly teach the network is at least one of an Ethernet, ControlNet, a DeviceNet, RS-232, RS-422, RS-485

However, Smith-Semedo discloses a client-server can be implemented in a Lan environment, see (Smith-Semedo: column 8, lines 31-36).

Thus, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine Smith-Semedo's ideas of using Lan environment with Luzeski's system in order to connect clients with server.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to lan dai thi truong whose telephone number is 571-272-7959. The examiner can normally be reached on monday- friday from 8:30am to 5:00 pm.

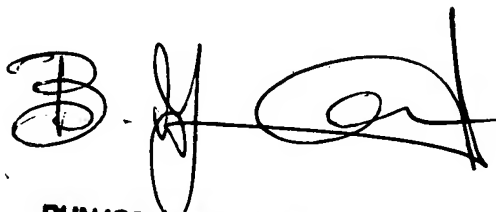
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lan Dai Thi Truong
Examiner
Art Unit 2132

Ldt
07/08/2005



BUNJOB JAROENCHONWANIT
PRIMARY EXAMINER